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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,631	07/27/2001	Toshio Hosogai	0815-4001	9472

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BRENDA POMERANCE  
LAW OFFICE OF BRENDA POMERANCE  
260 WEST 52 STREET SUITE 27B  
NEW YORK, NY 10019

EXAMINER
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HOEY, ALISSA L

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/916,631

Applicant(s)

HOSOGAI, TOSHIO

Examiner

Alissa L. Hoey

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 February 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 5-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 5-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This is response to amendment received 02/04/05. Claims 1, 5 and 6 have been amended and claims 7 and 8 have been amended and claims 7 and 8 have been newly added. Claims 1 and 5-8 have been non-finally rejected below.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 5 and 6 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In claim 5, both the first and second cover flap and the first and second zipper flap are claimed. It appears in figure 4 that the cover flap and the zipper flap are the same part, if so how can they both be provided in the method of claim 5.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Chujfi (US 3,234,564).

In regard to claim 1, Chujfi teaches an improved reversible zipper fly cover comprising a zipper having a first zipper flap (44) opposite a second zipper flap (44). A first panel (12) connected to the first zipper flap (44) and attached by a finished seam (column 3, lines 1-20). A second panel (12) connected to the second zipper flap (44) and attached by a finished seam (column 3, lines 1-20). A first fly cover flap (49) formed by attaching the first zipper flap (44) to the first panel by a first fly cover finish seam (40). A second fly cover flap (49) formed by attaching the second zipper flap (44) to the second panel by a second fly cover finish seam (40). The reversible zipper flap cover is symmetric so that each of the first and second fly cover flaps can be used as the outsides of the reversible zipper fly cover (figures 1 and 2, identifier 49).

In regard to claim 5, Chujfi teaches a method for producing a zipper fly cover the method comprising the steps of connecting a first panel to a first panel zipper flap by a first finished seam (column 3, lines 1-20). Connecting a second panel to a second panel zipper flap by a second finished seam (column 3, lines 1-20). Attaching a first attachment strip (49) of a reversible zipper (46, 48) to the first panel zipper flap (44) in a manner offset from an outer edge by a first attachment seam (40). Attaching a second attachment strip (49) of the reversible zipper (46, 48) to the second panel zipper flap (44) in a manner offset from an outer edge, by a second attachment seam (40). Forming a first fly cover flap (49) by attached the first panel zipper flap (44) to the first panel (12) by a first fly cover finished seam (40). Forming a second fly cover flap (49) by attaching

the second panel zipper flap (44) to the second panel by a second fly cover finish seam (40).

In regard to claim 6, Chujfi teaches the method of forming a crotch seam extending laterally downward (see crotch seam in figures 1 and 2).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chujfi in view of Vaghela (GB 2153656 A).

Chujfi teaches a reversible garment with a reversible fly comprising a first fly cover flap (49) attached to a first side of the reversible garment. A second fly cover flap (49) attached to a second side of the reversible garment, the second fly cover flap (49) having the same shape as the first fly cover flap (49). The reversible fly is symmetric so that each of the first and second sides of the garment can be used as the outside of the garment (figures 1 and 2, identifier 49).

However, Chujfi fails to teach zipper having a reversible traveler guide located between the first and second fly cover flaps.

Vaghela teaches a reversible fly comprising a zipper having a reversible traveler guide located between the first and second fly cover flaps (figures 3 and 4, identifier 22).

In regard to claim 8, Vaghela teaches the reversible traveler guide being positioned from each of the first and second sides of the garment (figures 3 and 4, identifiers 22).

It would have been obvious to have provided the reversible fly of Chujfi with the reversible traveler guide of Vaghela, since the reversible traveler guide provided in the reversible fly of Chujfi would provide a reversible fastening system with only one traveler that is operable in both the obverse and reverse modes without needing two traveler guides.

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 1 and 5-8 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***


9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kamhi, Collins and Reynolds are all cited to show closely related garment articles.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alissa L. Hoey whose telephone number is (571) 272-4985. The examiner can normally be reached on M-F (8:00-5:30) Second Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Alissa L. Hoey  
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